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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,801	06/20/2000	James A. Jorasch	00-032	5985

22927 7590 09/25/2002

WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER
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CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/597,801	JORASCH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Yveste G. Cherubin	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 23 May 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-71 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) \_\_\_\_\_ is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) 1-71 are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

This action is in response to the communication received on May 23, 2002 in which claims 1-71 are pending.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-29 are drawn to a system access using token, classified in class 713, subclass 185.
- II. Claims 30-37, drawn to the structure of a token adapted to be used with an amusement device, classified in class 463, subclass 47.
- III. Claims 38-44, drawn to electrical communications producing visual display classified in class 340, subclass 5.32.
- IV. Claim 45, drawn to updating or programming of coded record wherein the presettable or calculated code is stored in a programmable data bearing record, classified in class 340, subclass 5.25.
- V. Claims 46-47, drawn to memory, classified in class 711, subclass 100.
- VI. Claims 48-52, 55-58, drawn to an electronic processing system having an outcome relying upon an event, classified in class 463, subclass 16.
- VII. Claims 53-54, 70-71, drawn to an amusement device containing electronic data processing system, classified in class 463, subclass 46.
- VIII. Claims 59-69, drawn to an electronic data processing system including means for providing a monetary-type accounting for the purpose of a

payment to start or continue a game, wagering, or determining an award or payout amount, classified in class 463, subclass 25.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, III, IV, VI and VIII are processes (Set A); Inventions II, V and VII are devices (Set B). Each set of groups is related as subcombinations disclosed within the specification as usable together in a single combination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because each claimed process does not require the particulars of the claimed devices. The inventions of Groups II, V and VII are related as combinations and subcombinations. Inventions in this relationship are distinct if it can be shown the (1) combination as claimed does not require the particulars of the subcombinations as claimed for patentability, and (2) that the subcombinations have utility by themselves or in other combinations, see MPEP 806.05 ©. The combination as claimed does not require the particulars of the subcombinations as claimed because the gaming device operates to receive token and read token identifier while the subcombination operates to indicate and display the status of token devices. The subcombinations have separate utility such as the gaming device can be used with other devices such as cards to track monetary data and the token can be used without

the display status indication in any other type of gaming terminal. As for the memory, each device requires a memory for storing related instructions.

Therefore, because these inventions are distinct for the reasons given above and have acquired a separate status in the art: as shown by their different classifications, because of their recognized divergent subject matter; and separate search requirements, restriction for examination purposes as indicated is proper.

The Applicants are advised that the reply to this requirement to be complete must include an election of the invention (Group I, II, III, IV, V, VI, VII or VIII) to be examined even though the requirement be traversed, see 37 CFR 1.143.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17(i).

A ONE MONTH (not less than 30 days) shortened statutory period is set for reply to this written restriction requirement. The time period is set for reply to this written restriction requirement. The time period may be extended under the provisions of 37 CFR 1.136(a).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

September 17, 2002

ygc VJHc



JESSICA HARRISON  
PRIMARY EXAMINER